THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.28909 OF 1995

DATED 15th NOVEMBER, 2006

BETWEEN:

Melangi Krishna Murthy

… Petitioner

AND

The Mandal Revenue Officer, Chinthakommadinne Mandal, Cuddapah District and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.28909 OF 1995

ORDER:

The petitioner was assigned land admeasuring Acs.5.00 in survey No.1098/3 of Ippapenta village of Chinthakommadinne Mandal in Cuddapah District, by DKT patta No.1337/77, dated 12.01.1968. The petitioner's name was also mutated in revenue records. He allegedly spent considerable amounts for developing the land and cultivating the land by raising groundnut crop. He alleges that the officials of Forest Department obstructed him and his labourers and tried to interfere with possession and without giving any notice, alleging that the land is transferred to Executive Engineer of Buggavanka Project, Cuddapah District. The petitioner, therefore, filed the instant writ petition seeking a writ of Mandamus restraining the respondents from cancelling the DKT patta.

Counter affidavit is filed admitting that the petitioner was granted patta on 30.11.1967 vide DKT No.1337/77. It is stated that as per condition No.17 of patta, the land can be resumed whenever the same is required for public purpose. Accordingly, after issuing notice to the petitioner on 15.09.1997, the land was resumed observing all formalities. It is also categorically stated that a sum of Rs.78,000/- was paid to the petitioner by way of D.D.No.794773, dated 29.10.1998. The land was also allotted to the Forest Department by the District Collector by proceedings No.R.Dis.6657/90, dated 09.10.1990 and possession was given on 03.12.1990.

Counter affidavit was filed before this Court on 04.10.1999 duly serving a copy thereof on the counsel for the petitioner but no reply affidavit is filed.

The allegation of the petitioner that without due process, respondents

are trying to cancel the DKT patta cannot be accepted. The uncontroverted counter averments would belie any such contention. The first respondent resumed the land for public purpose and as per the proceedings of the District Collector, land was handedover to the forest officials. This is sufficient compliance with due process and no interference is called for.

The writ petition is accordingly dismissed. No costs.

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(V.V.S.RAO,J)

15.11.2006
pln